

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEREMIAH F. HERBERT,

Plaintiff,

v.

WARDEN HAROLD L. SMITH, et al.,

Defendants.

20-CV-6348 (PMH)

ORDER

PHILIP M. HALPERN, United States District Judge:

On January 20, 2021, the Court held a pre-motion conference to address Defendants' request for permission to move to dismiss Plaintiff's Third Amended Complaint. The Court grants Defendants' request for permission to move to dismiss Plaintiff's Third Amended Complaint. Defendants shall, by February 19, 2021, file a single, joint motion to dismiss; Plaintiff shall, by March 19, 2021, file his opposition to Defendants' motion to dismiss; and Defendants shall, by March 31, 2021, file a single, joint reply.

Additionally, the Court denies Plaintiff's request that the Court appoint pro bono counsel without prejudice to Plaintiff renewing the request at a later stage of the litigation.

Furthermore, the Court directs Defendants to produce to Plaintiff, by January 27, 2021, (1) all grievances Plaintiff has filed related to his claims in the present action and (2) any letters written by Plaintiff which are in Defendants' possession or the possession of the Sullivan County Jail.

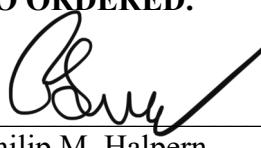
Finally, the Court denies Plaintiff's requests that the Court order Defendants to show cause why Plaintiff is entitled to various forms of injunctive relief. The Court finds that based on Defendants' pre-motion conference letters seeking permission to move to dismiss Plaintiff's Third Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants' letters in opposition to Plaintiff's request for injunctive relief, and the arguments offered during the January

20, 2021 conference, Plaintiff cannot demonstrate a likelihood of success on the merits and/or the injunctive relief Plaintiff seeks is unrelated to Plaintiff's underlying claims for relief.

Defendants are directed to mail a copy of this Order to Plaintiff at the address provided on the docket and provide proof of service on the docket. The Clerk is instructed to terminate ECF No. 36.

**SO ORDERED.**

Dated: New York, NY  
January 20, 2021

  
Philip M. Halpern  
United States District Judge